

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 24, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DONALD CRAIG MONSON,

Petitioner,

v.

MELISSA ANDREWJESKI,

Respondent.

No. 4:23-cv-05118-MKD

ORDER GRANTING MOTION TO
VOLUNTARILY DISMISS
PETITION AND DISMISSING
HABEAS CORPUS PETITION
WITHOUT PREJUDICE

ECF Nos. 1, 6

Before the Court is Petitioner Donald Craig Monson's Motion to Voluntarily Dismiss Petition. ECF No. 6. Petitioner, a prisoner currently housed at the Coyote Ridge Corrections Center, has paid the \$5.00 filing fee and Respondent has not been served.

On October 4, 2023, the Court ordered Petitioner to show cause as to why this action should not be dismissed as time-barred under 28 U.S.C. § 2244(d). ECF No. 5 at 8. In his instant Motion, Petitioner requests that the Court "withdraw[]" his action without prejudice. ECF No. 6 at 2.

ORDER GRANTING MOTION TO VOLUNTARILY DISMISS PETITION
AND DISMISSING HABEAS CORPUS PETITION WITHOUT PREJUDICE - 1

1 Accordingly, **IT IS ORDERED:**

2 1. Petitioner's Motion to Voluntarily Dismiss Petition, **ECF No. 6**, is
3 **GRANTED** pursuant to Federal Rule of Civil Procedure 41(a).

4 2. The Petition, **ECF No. 1**, is **DISMISSED WITHOUT**
5 **PREJUDICE.**

6 3. The Clerk of Court is **DIRECTED** to enter **JUDGMENT** of
7 dismissal without prejudice.

8 4. The Clerk of Court is **DIRECTED** to **CLOSE** the file.

9 5. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an
10 appeal from this decision could not be taken in good faith and there is no basis
11 upon which to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c); Fed.
12 R. App. P. 22(b). A certificate of appealability is therefore **DENIED.**

13 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
14 and provide a copy of this Order to Petitioner.

15 DATED October 24, 2023.

16 s/Mary K. Dimke
17 MARY K. DIMKE
18 UNITED STATES DISTRICT JUDGE
19
20